

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

NATHAN HAYES,
Plaintiff,
v.
JOHN WICKERT,
Defendant.

Case No. C06-5402RJB

**ORDER GRANTING MOTION
FOR LEAVE TO WITHDRAW
AS ATTORNEY FOR PLAINTIFF**

This matter comes before the court on the above-referenced motion (Dkt. 51). The court has considered the records and files herein and conducted oral argument on the motion on September 2, 2008. Larry King, plaintiff's counsel of record, was present, as was John Kugler, counsel of record for the defendant. Mr. Hayes did not appear, although the courts' deputy clerk advises the court that Mr. Hayes called after the hearing, expressed his displeasure at the notice he received, which, he said, amounted to five days advance notice received by mail.

It appears, and the court finds, that plaintiff's attorney has lost the ability to effectively communicate with plaintiff, and plaintiff's failure to assist Mr. King with trial preparation and communication has made it unreasonably difficult for Mr. King to continue as plaintiff's counsel; that an attempt to prepare the case for trial without the assistance of plaintiff will place an unreasonable financial burden on plaintiff's counsel; and that plaintiff has received actual notice of the motion to withdraw and that the withdrawal will not necessarily affect the ability of plaintiff or new counsel to

1 continue with the case. Good cause for withdrawal has been shown, and the Motion to Withdraw
2 should be granted.

3 **IT IS SO ORDERED.**

4 **NOTICE TO PLAINTIFF.**

5 Nathan Hayes, plaintiff, is hereby given notice that he is without counsel in this case, and that
6 he will be acting as his own counsel, unless and until new counsel appears. Mr. Hayes is further given
7 notice that a pretrial conference is set in this court on October 3, 2008, at 9:00 a.m. and the trial date
8 of October 6, 2008, still remains set, and that other pretrial deadlines are set as they appear in the
9 records and files in this case. Mr. Hayes is further given notice that if he fails to prosecute this case,
10 either personally or through counsel, it may be dismissed.

11 The Clerk is directed to send uncertified copies of this Order to all counsel of record and to
12 any party appearing *pro se* at said party's last known address.

13 DATED this 2nd day of September, 2008.

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16 ROBERT J. BRYAN
United States District Judge
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